THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.4998 of 1996

Date: 21-09-2005

Between:

Dawalji, S/o Paramji **.. Petitioner**

A n d

1. The District Collector, Hyderabad at Nampally, Hyderabad and others **..**
Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.4998 of 1996

ORAL ORDER:

This petition is filed seeking a direction to respondents 1 to 3 to mutate the name of the petitioner in the revenue records as pattedar and possessor of Acs.14-00gts in S.No102/1 (old S.No.102) of Hakeempet village. Claiming title to the said land, 4th respondent came on record by virtue of the orders dated

23-06-2005 in W.P.M.P.No.4530 of 2005.

2. The case of the petitioner is that his father was granted patta in respect of the aforesaid Acs.14-00 in S.No.102 corresponding to new Survey No.102/1 by the then Collector of Hyderabad vide Certificate No.17/12 of 1338 fasli and since then his father and himself have been in possession and enjoyment of the said property and that he even filed suits against third parties when they tried to interfere with his possession over the said land and since respondents 1 to 3 are not mutating his name in the revenue records in spite of his requests he is obliged to file this petition.

3. The case of respondents 1 to 3 is that old S.No.92, after re-survey in 1942 AD, was assigned S.No.102 and so the contention of the petitioner that his father was granted patta in respect of S.No.102/1 by the then District Collector, Hyderabad, vide certificate No.17/12 of 1338 fasli is not and cannot be correct because the land being claimed by the petitioner was not bearing S.No102/1 in 1338 fasli, and since the order of assignment being relied on by the petitioner is not reflected in the records petitioner is not entitled to any relief.

4. Since the basis for the claim of the petitioner is the patta said to have been granted to his father by the then District Collector, Hyderabad, in 1338 fasli, and since respondents 1 to 3 deny issuance of patta to the father of the petitioner and claim that it is not a genuine certificate, till the genuineness of the patta being relied on by him is established by the petitioner, he cannot be granted any relief. Since genuineness of the patta cannot be decided in a writ petition, petitioner has to approach the civil Court for declaration of his title to the land being claimed by him as his and so this petition has no merit and hence is dismissed with costs.

(C.Y.Somayajulu, J.)

Date: 21-09-2005

Cvrk